

**United States Department of the Interior
Bureau of Land Management**

**Categorical Exclusion
DOI-BLM-CO-SO50-2016-0026CX**

May 2016

North Delta Canal Piping – Temporary ROW for test pits

Location: Delta County, CO

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401
Phone: (970) 240-5300**



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CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-S050-2016-0026 CX

CASE FILE: COC-77817

PROJECT NAME: North Delta Canal Piping – Temporary ROW for test pits

PLANNING UNIT: Uncompahgre Field Office

LEGAL DESCRIPTION:

6th Principal Meridian, Colorado

T. 15 S., R. 95 W.,

sec. 4, lots 2-4, SW1/4NE1/4, and S1/2NW1/4;

sec. 5, lots 1-4, S1/2NE1/4, S1/2NW1/4 and NE1/4SW1/4.

APPLICANT: Applegate Group

BACKGROUND: The North Delta Irrigation Company (NDIC) has received a grant from the Bureau of Reclamation (BOR) to study the feasibility of piping a portion of the existing North Delta Canal which is located on public lands. The project is a part of the BOR's long term salinity/selenium reduction project. The new piped alignment will also be on public lands. Both the existing canal and the proposed pipeline alignment are within the North Delta OHV area. NDIC has contracted with Applegate Group (Applegate) to complete environmental studies in support of the project.

DESCRIPTION OF PROPOSED ACTION: The proposed action is to issue a short term (up to 3 years) right-of-way (ROW) to Applegate to determine the geologic feasibility of the proposed realignment of the North Delta Canal. To accomplish this they will need to drill five to nine investigatory boreholes on public land south of Trap Club Road and J 25 Drive in Delta County, Colorado. They have identified eleven possible drilling locations, but only anticipate using five to nine of them (Figure 1). All proposed investigatory borehole locations are within the BLM designated North Delta Off-Highway-Vehicle Area.

The boreholes will be drilled with a tracked drilling rig up to depths of 15 feet or until bedrock is reached. The boreholes will be 6 inches in diameter. No materials will be removed from the drill site. Access to the drilling locations would use a combination of the existing NDIC ROW and cross-county travel along predicted routes within the OHV area (Figure 1). Applegate

expects that the work drill work will take 2 – 4 days to complete and would like to do the work in the spring/ summer of 2016.

The proposal has identified 11 possible locations for the boreholes. Each borehole will cause approximately 2.35 square feet of surface disturbance, for a total of 0.0006 acres. The proposal also identifies approximately 1.75 miles long by 10 feet wide cross-country routes that will be used to access the borehole locations, adding an additional 2.12 acres to the ROW.

The right-of-way would be issued under FLPMA for 7 months with the right of renewal and would be subject to the attached stipulations, see Exhibit A.

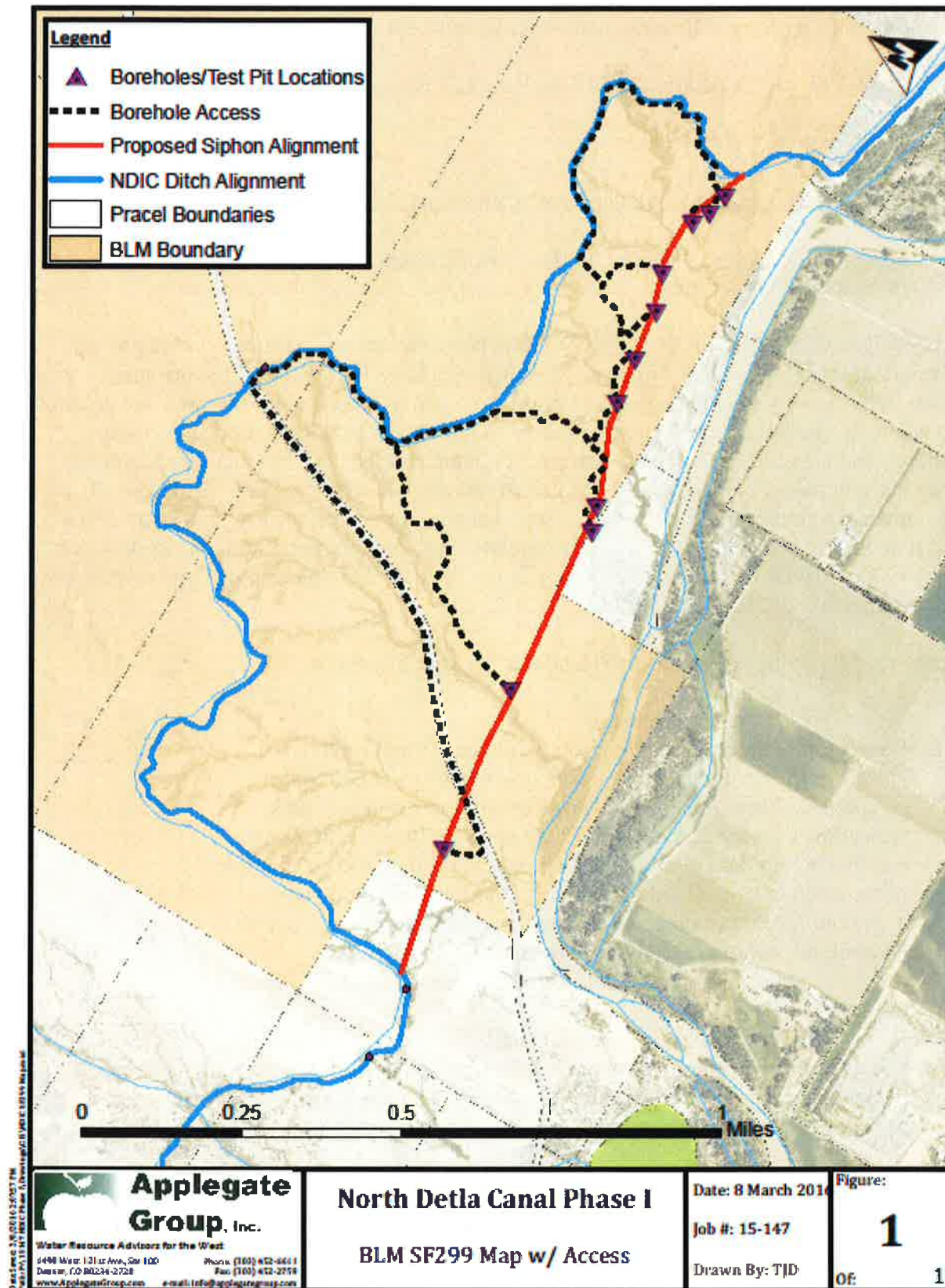


Figure 1: Proposed project Map

PLAN CONFORMANCE REVIEW: The Proposed Action is subject to and has been reviewed for conformance with the following plan (43 CFR 1610.5):

Name of Plan: Uncompahgre Basin Resource Management Plan

Date Approved: July 1989

Decision Number/Page: Management Unit 8/page 153.

Decision Language: "Major Utilities. The management unit will be open to development of major utility facilities."

CATEGORICAL EXCLUSION REVIEW: The proposed action qualifies as a categorical exclusion under 516 DM 11.9, Number: E(19) which allows for issuance of short-term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition, and under 516 DM 11.9, Number J(3), which allows for "conducting preliminary hazardous materials assessments and site investigations, site characterization studies and environmental monitoring. Included are siting, construction, installation and/or operation of small monitoring devices such as wells, particulate dust counters and automatic air or water samples"; and 516 DM 11.9, Number J(6) which allows for "a single trip in a one month period for data collection or observation sites."

None of the following exceptions in 516 DM 2, Appendix 2, apply.

Exclusion	YES	NO
1. Have significant adverse effects on public health and safety.	___	<u>X</u>
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands, floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.	___	<u>X</u>
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.	___	<u>X</u>
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.	___	<u>X</u>
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.	___	<u>X</u>
6. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects.	___	<u>X</u>
7. Have significant impacts on properties listed, or eligible for listing, in the National Register of Historic Places.	___	<u>X</u>
8. Have significant impacts on species listed, or proposed to be listed,	___	<u>X</u>

- on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species. _____ X
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment. _____ X
10. Have disproportionately high and adverse effect on low income or minority populations. _____ X
11. Limit access to and ceremonial use of Indian sacred sites by Indian religious practitioners or adversely affect the physical integrity of such sacred sites. _____ X
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species. _____ X

INTERDISCIPLINARY REVIEW:

<u>Name</u>	<u>Title</u>	<u>Area of Responsibility</u>
Ken Holsinger	Biologist	T&E and sensitive species
Glade Hadden	Archaeologist	Cultural Resources and Native American Religious Concerns
Jana Moe	Realty Specialist	Lands and Realty
Jedd Sondergard	NEPA Coordinator	NEPA review

REMARKS:

Cultural Resources: The project has been inventoried for Cultural Resources with negative results. No National Register or otherwise eligible properties will be impacted by this project and no further work is required.

Native American Religious Concerns: There are none known or anticipated for this project.

Threatened and Endangered Species:

The entire project area is suitable habitat for the threatened Colorado Hookless Cactus (*Sclerocactus glaucus*) and a survey of the all the proposed access routes and of the proposed borehole locations was conducted by Rare Earth Sciences Inc. on 3/28/2016. The survey included a 12 meter buffer of the access routes and a 30 meter buffer of the borehole locations. No cacti were located within the project footprint therefore there will be no affect to Colorado Hookless cactus from the Proposed action. No other federally protected or species recognized by the BLM as sensitive were detected or are known to derive important use of the project area and no impacts from the proposed action are anticipated.

NAME OF PREPARER: Jana Moe

NAME OF ENVIRONMENTAL COORDINATOR: Jedd Sondergard

DATE: 5/24/16

COMPLIANCE WITH NEPA

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(19) J(3) and J(6). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

SIGNATURE OF AUTHORIZED OFFICIAL:



Sara L. Dawson,
Acting Field Manager
Uncompahgre Field Office

DATE SIGNED:

5/24/16

STIPULATIONS

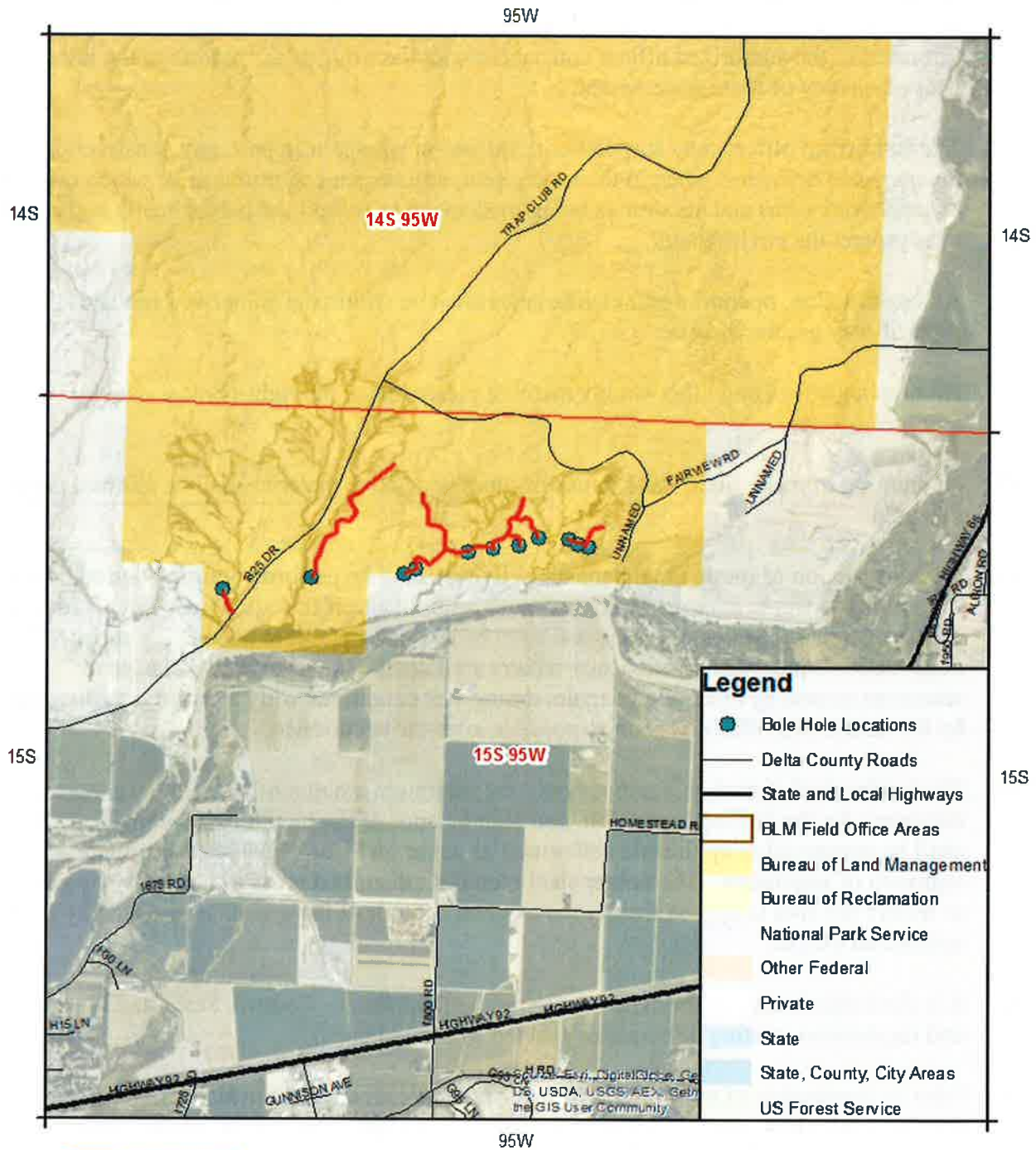
1. The holder shall contact the authorized officer at least two days prior to the anticipated start of construction and/or any surface disturbing activities. The authorized officer may require and schedule a preconstruction conference with the holder prior to the holder's commencing construction and/or surface disturbing activities on the right-of-way. The holder and/or his representative shall attend this conference. The holder's contractor, or agents involved with construction and/or any surface disturbing activities associated with the right-of-way, shall also attend this conference to review the stipulations of the grant. The BLM authorized representative is Barney Buria, Environmental Protection Specialist, who can be reached at the Uncompahgre Field Office, 2465 South Townsend, Montrose, Colorado 81401 or phone at (970) 240-5333. An alternate contact is Jana Moe, Realty Specialist, Uncompahgre Field Office, (970) 240-5324.
2. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in conformance with the application, maps and the well locations identified during the on-sites. Any relocation, additional construction, or use that is not in accord with the approved conditions shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all plans and stipulations shall be made available at the right-of-way site during construction. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health or the environment.
3. Any cultural and/or paleontological resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and any decision as to proper mitigation measures will be made by the authorized officer after consulting with the holder.
4. Pursuant to 43 CFR 10.4(g), the holder of this authorization must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
5. The holder shall be responsible for weed control within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the grant stipulations),

including pesticides/herbicides approved for use on BLM land. Weed management practices will include:

- Clean equipment to remove weed seeds prior to use onsite
 - Monitor and spray/perform weed control as necessary
 - The holder and the holder's contractors will disinfect heavy equipment, hand tools, boots and any other equipment used previously in a river, lake, pond, or wetland, by routinely cleaning equipment using 140° water and high-pressure sprayers to remove dirt, mud and foreign debris before equipment is brought on-site
 - The holder and the holder's contractors will clean trucks and equipment at wash-stations in nearby towns or at the contractor's yard (off-site) to ensure that all equipment and vehicles shall be clean of all dirt and debris that can harbor weed seed.
 - Monitoring and control of noxious or invasive weeds attempting to establish within the project boundaries throughout the construction and production phases should be performed in coordination with routine maintenance activities and in accordance with state law.
 - The holder will monitor for and control noxious or invasive weeds throughout the construction and monitoring phases. Mandatory noxious weed control is required on the pads, drill holes, access roads, and off-road travel routes used by the holder for the life of the project.
6. Use of pesticides/herbicides shall comply with the applicable Federal and state laws. Pesticides/herbicides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides/herbicides, the holder shall obtain from the authorized officer written approval of the applicant's plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers, and any other information deemed necessary by the authorized officer. The plan should be submitted no later than March 1 of any calendar year to cover the proposed activities for the next growing season. Emergency use of pesticides/herbicides shall be approved in writing by the authorized officer prior to such use.
7. The holder shall comply with applicable State standards for public health and safety, environmental protection and siting, construction, operation and maintenance, if these State standards are more stringent than Federal standards for similar projects.
8. The holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated regarding toxic substances or hazardous materials. In any event, the holder shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by

the Comprehensive Environmental Response, Compensation and Liability Act of 1980, section 102b. A copy of any report required or requested by any federal agency of state government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency of State government.

9. The authorized officer may suspend or terminate in whole, or in part, any construction or maintenance activities, when in their judgment, unforeseen conditions arise which result in the approved terms and conditions being inadequate to protect the public health and safety or to protect the environment.
10. All construction, operation and maintenance shall be within the authorized limits of the right-of-way granted herein.
11. All brush, grasses, and other woody material cleared from the right-of-way shall be scattered on site.
12. No burning of trash, litter, trees, brush or other vegetative material shall be allowed under this grant.
13. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of four (4) inches deep, the soil shall be deemed too wet to adequately support the construction equipment. Emergency repairs are exempt; however, any damages to resources caused by emergency repairs during wet conditions will be repaired as directed by the authorized officer as soon as possible after the occurrence.
14. The holder shall disturb and remove only the minimum amount of soils and vegetation necessary for the drilling, operation, and maintenance of the monitoring wells. Topsoil shall be conserved as applicable and reused as cover on disturbed areas to facilitate regrowth of vegetation. The holder shall recontour disturbed areas as necessary by grading to restore the area to approximately the original contour of the ground as directed by the authorized officer.
15. It is the holder's responsibility to comply with all applicable Federal, State, and local laws and regulations existing or hereafter enacted or promulgated.
16. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a joint inspection of the right-of-way. This inspection will be held to agree to an acceptable termination and rehabilitation plan as necessary. This plan shall include, but is not limited to, removal of facilities, drainage structures, or surface material, recontouring, topsoiling, or seeding. The authorized officer must approve the plan in writing prior to the holder's commencement of any termination activities.



No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

COC-77817 NDIC Feasibility Test

0 0.5 Miles
1:24,000

Date: 8/1/2018

Document Path: T:\COCGIS\workspace\workspace\North_Delta_Central_Areas\Borehole.mxd

**U.S. Department of the Interior
Bureau of Land Management
Uncompahgre Field Office
2465 South Townsend Avenue
Montrose, CO 81401**

Decision Record

(DOI-BLM-CO-S050-2016-0026 CX)

PROJECT NAME: North Delta Canal Piping – Temporary ROW for test pits

DECISION: The proposed action is to issue a short term (up to 3 years) right-of-way (ROW) to Applegate to determine the geologic feasibility of the proposed realignment of the North Delta Canal.

The ROW will contain a total of approximately 2.12 acres including the total anticipated disturbed area of 0.0006 acres for the 11 drilling sites. Approximately 1.75 miles of cross country travel will be driven by the drill rig to reach the sites. Any disturbance associated with the pits will be reclaimed. A total of approximately 1.5 miles of the existing North Delta Canal access road will be used to access the investigation site. (see map, Exhibit B)

The right-of-way grant would be for the term of June 1, 2016 through December 31, 2016 and would be authorized under FLPMA with the right of renewal. The right-of-way would be subject to the attached stipulations (Exhibit A).

MITIGATION MEASURES: All stipulations shown in Exhibit A of the Categorical Exclusion (CX) will be followed.

RATIONALE:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E(19), J(3), and J(6). This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The Proposed Action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

COMPLIANCE WITH MAJOR LAWS and CONFORMANCE WITH LAND USE PLAN:

The decision is in compliance with applicable laws, regulations and policy, including the Endangered Species Act, Migratory Bird Treaty Act and National Historic Preservation Act. It is also in conformance with the Uncompahgre Basin RMP.

PUBLIC COMMENT:

The BLM informed the public about this project by listing it on the online Uncompahgre Field Office NEPA Register and a copy of the completed Categorical Exclusion will be posted on the NEPA website.

ADMINISTRATIVE REMEDIES:

If you are adversely affected by this decision, within 30 days of receipt of this decision you have the right of appeal to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations at 43 CFR §4.400.

NAME OF PREPARER: Jana Moe

NAME OF ENVIRONMENTAL COORDINATOR:  Jedd Sondergard

DATE 5/24/16

SIGNATURE OF AUTHORIZED OFFICIAL


Sara L. Dawson
Acting Field Manager
Uncompahgre Field Office

DATE SIGNED 5/24/16

ATTACHMENTS:

1. Exhibit A – Stipulations
2. Exhibit B - Map